

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

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17 MAY 2004

RECKITT BENCKISER  
GROUP PATENTS DEP

To:

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WRITTEN OPINION

(PCT Rule 66)

14 Aug 04

Date of mailing  
(day/month/year)

14.05.2004

Applicant's or agent's file reference  
11112P3 WORH

REPLY DUE

within 3 month(s)  
from the above date of mailing

International application No.  
PCT/GB 03/04433

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13.10.2003

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12.10.2002

International Patent Classification (IPC) or both national classification and IPC  
C11D17/00, C11D17/00

Applicant  
RECKITT BENCKISER INC et al.

1. This written opinion is the **first** drawn up by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:
  - I ☒ Basis of the opinion
  - II ☐ Priority
  - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
  - IV ☐ Lack of unity of invention
  - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
  - VI ☐ Certain documents cited
  - VII ☐ Certain defects in the international application
  - VIII ☐ Certain observations on the international application
3. The applicant is hereby **invited to reply** to this opinion.

**When?** See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

**How?** By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

**Also:** For an additional opportunity to submit amendments, see Rule 66.4.  
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.  
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 12.02.2005

TO:	<i>dm 17/5/04</i>
CASE NUMBER	1112P3 WO
DIARY	<i>dm</i>
RECORDS	<i>dm</i>
INVOICE	
ACKNOW	
RENEWALS	

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**I. Basis of the opinion**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

**Description, Pages**

1-10 as originally filed

**Claims, Numbers**

1-13 filed with telefax on 22.04.2004

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

6. Additional observations, if necessary:

**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)                      Claims      1-6,8-12

Inventive step (IS)              Claims      7

Industrial applicability (IA)      Claims

2. Citations and explanations

**see separate sheet**

**Re Item V**

**Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Novelty (Article 33(2) PCT)**

The present application does not meet the criterion set forth in Article 33(2) PCT because the subject-matter of claims 1-6,8-12 is not new in respect of the prior art as defined in the regulations (Rule 64(1)-(3) PCT). The following documents disclose already compositions falling within the scope of present claims 1-6,8-12.

- a) **WO-A-96/35771** (D1, examples) describes liquid thickened chlorine bleach compositions comprising Carbopol 695 (polyacrylate thickener), Laponite RD (clay thickener), NaOCl (active chlorine source), dodecyl diphenyloxide disulphonate and/or Hostapur SAS (anionic surfactants) and CaCO<sub>3</sub> (abrasive material).
- b) **US-A- 4 695 394** (D2, table VI) depicts liquid thickened chlorine bleach compositions comprising Van GEL ES (clay thickener), NaOCl (active chlorine source), Ammonyx LO (amine oxide), Hostapur (anionic surfactant) and sand (abrasive material).
- c) **EP-A-649 898** (D3, examples) shows liquid thickened chlorine bleach compositions comprising Carbopol 1615 (polyacrylate thickener), KOCl (active chlorine source), lauryl soap (anionic surfactant), Barlox (amine oxide) and CaCO<sub>3</sub> (abrasive material).
- d) **US-A-4 005 027** (D4, example II) exemplifies compositions comprising Barasym (clay thickener), NaOCl (active chlorine source), sodium lauryl alkyl sulfate (anionic surfactant) and sand (abrasive material). The pH of the compositions exemplified is 11.8 or 11.3 or 12.3 (example II, col. 12, lines 20-32).
- e) **WO-A-95/08619** (D5, examples, e.g. page 22, lines 10-15) discloses a liquid thickened chlorine bleach compositions comprising polymer thickener (Carbopol), NaOCl (active chlorine source), sodium laurylate (anionic surfactant) and CaCO<sub>3</sub> (abrasive material) and a hydrotrop.

**2. Inventive Step (Article 33(3) PCT)**

Document D1, which is considered to represent the most relevant state of the art, discloses liquid thickened chlorine bleach compositions.

The subject-matter of present claim 7 differs from said claim by the use of an alternative thickening system (a polyacrylate/polyacrylamide mixture instead of a polyacrylate/clay mixture).

The problem to be solved by the present invention may be regarded as to provide an alternative thickened bleaching composition.

The solution proposed in claim 7 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT) for the following reasons.

It is generally known that polyacrylamide polymers can be used as thickener. Moreover, **DE-A- 100 16 424** (D6, examples 10-12) demonstrates that such thickening polymers are even stable in bleaching compositions.

Since it is within the common practice of the skilled person to replace equivalent thickening agents, the replacement of a commonly used thickening agent such as clay by an alternative thickening agent such as a polyacrylamide does not contribute to an inventive step.

Moreover, the present application is devoid of any unexpected effects or surprising advantages due to the presence of polyacrylamide thickeners. An arbitrary replacement of equivalent thickeners cannot be regarded as inventive.

Therefore, the subject-matter of present claim 7 lacks an inventive step, contrary to Article 33(3) PCT.

3. Claim 13 referring back to the examples of the application is not allowable for lack of clarity (Article 6 PCT, Rule 6.2 PCT).
4. When filing amended claims the applicant should at the same time bring the description into conformity with the amended claims. Care should be taken during revision, especially of the introductory portion and any statements of problem or advantage, not to add subject-matter which extends beyond the content of the application as originally filed (Article 34(2)(b) PCT).

The applicant should clearly **identify the amendments carried out**, irrespective of whether they concern amendments by addition, replacement or deletion, and to **indicate accurately the passages** of the application as filed **on which these amendments are based** (Rule 66.8 (a) PCT; see the Guidelines, IV-7.2).

The amendments are preferred to be carried out in handwritten form on a copy of the relevant parts of the application as filed (Rule 66.8 (b) PCT) accompanied by a clean copy of the corresponding pages.